

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Harold Jerry Garmany,
Petitioner

vs

Case No. 1:04cv561
(Weber, J.; Hogan, M.J.)

Warden, Ross Correctional Institution, et al.,
Respondents

REPORT AND RECOMMENDATION

This habeas corpus action brought pursuant to 28 U.S.C. § 2241 is before the Court for ruling on petitioner's application to proceed *in forma pauperis*. (Doc. 5). Because it appears from the docket record that petitioner has already paid the \$5.00 filing fee required to institute this action, it is hereby RECOMMENDED that petitioner's request to proceed *in forma pauperis* (Doc. 5) be DENIED as moot.

Date: 9/17/04
cbc

s/Timothy S. Hogan
Timothy S. Hogan
United States Magistrate Judge

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NOTICE

Attached hereto is a Report and Recommendation issued by the Honorable Timothy S. Hogan, United States Magistrate Judge, in the above-entitled habeas corpus action. Pursuant to Fed. R. Civ. P. 72(b), which may be applied in this action under Rules 1(b) and 11 of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254, any party may object to the Magistrate Judge's Report and Recommendation within ten (10) days after being served with a copy thereof. Such party shall file with the Clerk of Court and serve on all other parties written objections to the Report and Recommendation, specifically identifying the portion(s) of the proposed findings, recommendations, or report objected to, together with a memorandum of law setting forth the basis for such objection(s). Any response by an opposing party to the written objections shall be filed within ten (10) days after the opposing party has been served with the objections. *See* Fed. R. Civ. P. 72(b). A party's failure to make objections in accordance with the procedure outlined above may result in a forfeiture of his rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).